

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

MINUTES FROM THE MAY 8, 2013 MEETING

Council Members In Attendance*: Chair Judge Barry Williams; Kimberly Barranco, CJCC Executive Director; Anthony W. Batts, Commissioner, Baltimore Police Department; Gregg Bernstein, State's Attorney; Tammy Brown, Executive Director, GOCCP; Joe Clocker, Director, Community Supervision, Department of Public Safety and Correctional Services; Major Sam Cogen for Sheriff John Anderson, Baltimore Sheriff's Office; Frank Conaway, Circuit Court Clerk; Lonnie Ferguson, District Court Administrative Clerk; Wendell M. France, Director, Central Region, Department of Public Safety and Correctional Services; Rodney Gray, Bar Association of Baltimore; Judge John R. Hargrove, Jr., District Court Administrative Judge; Rhea Harris for Secretary Gary Maynard, DPSCS; Judge Marcella Holland, Circuit Court Administrative Judge; Elizabeth Julian, District Public Defender for Baltimore City; Angela Johnese for Mayor Stephanie Rawlings-Blake; Brian Kleinbord for Attorney General Doug Gansler; Rod Rosenstein, U.S. Attorney; Greg Warren, BSAS; Bernard C. "Jack" Young, President, Baltimore City Council.

Others in Attendance*: Bill Caltrider; Professor Doug Colbert, University of Maryland School of Law; Elizabeth Embry, State's Attorney's Office; Robert Embry, Abell Foundation; Natalie Finegar, OPD; Hassan Giordano, DMVDaily.com/Examiner; Jim Green, BPD; Kim Gunishaw, MCVRC; Mike Hanlon, USAO; Sarah Hyre, CJCC; Charles Innes; Kara Kunst, City Council; Bob Weisengoff, DPSCS.

***We request that all in attendance sign the attendance sheet which is available at each meeting.**

MEETING DIALOGUE

The Meeting was called to order at 12:30 p.m. and Judge Barry Williams welcomed the Council.

I. CHAIR'S REPORT – JUDGE BARRY WILLIAMS

Judge Williams requested a motion to approve the April 10, 2013 minutes and they were adopted unanimously. He announced that there will be no meeting in June due to the State Bar Annual Meeting and that the next meeting will be on July 10, 2013.

II. EXECUTIVE DIRECTOR'S REPORT – KIMBERLY SMALKIN BARRANCO

Kimberly Barranco announced that the Sheriff's Office will be assuming service of process for all peace orders and protective orders issued by a judge in Baltimore City. She stated that since the last Council meeting, she and Major Sam Cogen have been working with many of the partners to ensure a smooth transition. Ms. Barranco reported that they visited the Harford County Sheriff's Office and their Family Justice Center to observe their operations. She explained that the Baltimore City Eastside District Court has been billed as the "One Stop Shop" for domestic violence and includes many of the features found in other jurisdiction's Family Justice Centers, including providing a location for petitioners to obtain protective orders and meet with legal service providers from the House of Ruth and the

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

Women's Law Center. She further explained that Eastside also houses attorneys and staff from the Office of the State's Attorney who prosecute perpetrators of domestic violence. Ms. Barranco stated that the Sheriff's Office has already begun using an evidence based practice to interview petitioners in the Circuit Court to obtain information to assist in the service of process, and they have met with Judge John Hargrove to secure space at the Eastside District Court so that this protocol can be incorporated into the One Stop Shop for domestic violence victims. She stated that it is their intention to add office space to house not only Sheriff's Office personnel who will be meeting with petitioners to obtain vital information to assist in the service of process, but to also include a SAO room for domestic violence victims to safely wait for their criminal hearings to be called away from the general public in the halls of the Courthouse. Ms. Barranco stated that it is their hope that this modification of space at the Courthouse will fulfill two of the goals of the CJCC's Domestic Violence Coordinating Committee: to improve the criminal justice system's response to the crime of domestic violence and to improve direct and support services to victims of domestic violence. She thanked Judge Hargrove for his assistance and cooperation in helping to make the One Stop Shop at Eastside an even better center to serve victims of domestic violence. Ms. Barranco advised she would report further on the progress of the transition at a future meeting. She thanked the Council for their support and for the hard work put in by their representatives to the CJCC Committees.

III. CENTRAL REGION REPORT – WENDELL M. FRANCE, DIRECTOR,

CENTRAL REGION, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Director France commended allied agencies for all of their efforts and teamwork. He advised that a copy of the Central Region Statistics Report was provided in the meeting packets for the Council's review and stated he would answer any questions the Council may have about the report.

IV. BALTIMORE POLICE DEPARTMENT REPORT – ANTHONY W. BATTS, COMMISSIONER

Commissioner Anthony Batts acknowledged Jim Green and applauded him for all of his efforts during this year's legislative session. He reviewed the Police Commissioner's Report included in the Council's packet. He reported homicides are up year to date because of a number of execution style shootings believed to be gang warfare. He added that non-fatal shootings are continuing to decrease year to date which is reflective of the number of guns taken off of the street but he noted that although there are less shootings lethality is an issue. Commissioner Batts noted that perpetrators are also using other weapons and there has been an increase in stabbings. He stated that officers are taking knives from individuals in clubs. Commissioner Batts reported that Part I crime is down 8% and total violent crime is down 4%. He explained that they have deployed additional foot patrols using the recruit class in the Western and Eastern patrol districts to target escalating crime areas. He added that this same tactic will be used for the increase in robberies in the Northeast District. Commissioner Batts said they are going in the right direction and will continue to move forward. Judge Williams thanked Commissioner Batts for his report and called on the Governor's Office for their update.

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

V. GOVERNOR OF THE STATE OF MARYLAND'S REPORT – TAMMY BROWN, EXECUTIVE DIRECTOR, GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Tammy Brown stated that the Governor's Office is very pleased with this year's success in the legislative session. She added that a brief explanation of each bill is included in the Council's packet and that she would review the Administration's, GOCCP's, and the Department of Juvenile Services' legislative initiatives.

Ms. Brown reported that two major pieces of the Governor's proposed legislation passed this session. She discussed HB 295/SB 276 which repeals the death penalty and establishes that a person found guilty of murder in the first degree will be sentenced to imprisonment for life or life imprisonment without the possibility of parole. Ms. Brown stated that one of the largest pieces of legislation to pass was the Governor's Firearm Safety Act of 2013, HB 294/SB 281 which will have an impact on Council members and the agencies they represent. She explained that the Firearm Safety Act is split into three subcategories dealing with the issues of gun safety, mental health and school safety. She further explained that gun safety will include: limiting magazine capacity from 20 to 10 rounds; a requirement by firearms dealers to advise purchasers of their requirement to report lost or stolen firearms; the requirement of a license for every handgun purchase with age restrictions; mandatory safety training requirements; mandatory fingerprinting; and an attestation that a person is not prohibited from purchasing or possessing a gun. Ms. Brown advised the Firearm Safety Act will also expand the category of individuals who are prohibited from possessing firearms including those who suffer from mental disorders and have a history of violent behavior; have been found incompetent to stand trial or not criminally responsible; have been voluntarily admitted for more than 30 consecutive days to a facility or involuntarily committed; and those who are not under the protection of a court-appointed guardian. Ms. Brown also discussed school safety in which a fund within the schools budget will be created to provide a 21 million dollar investment in upgrades to enhance school security. She thanked the State's Attorney's Office, the U.S. Attorney's Office, Commissioner Batts and Jim Green for their assistance in the passage of this legislation.

Ms. Brown reported on three GOCCP legislative initiatives that passed this session. She stated that HB 292 is a Maryland State Police departmental bill that repeals the December 31, 2013 termination date for the DNA arrestee database which requires a DNA sample to be taken from any individual charged with specified crimes of violence and felony burglary. She commented that the practice of DNA collection during arrest procedures is currently before the Supreme Court. She stated that if the Supreme Court reverses the Court of Appeals and finds the collection to be constitutional, the sunset clause will be lifted and the bill will be extended. Ms. Brown further reported that the sunset provision in SB 1001 will be extended to December 31, 2016. She stated that this bill will continue the VINE Protective Order notification system which obligates law enforcement within two hours of service to enter data into the system that a protective order was issued and served. Ms. Brown also discussed HB 713 which authorizes State and local law enforcement agencies to seize property in connection with a "human trafficking" violation. She commented that prior to the passage of this bill law enforcement could only seize property in drug cases.

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

Ms. Brown also touched upon four priority legislative initiatives impacting the Department of Juvenile Services. She stated that HB264 is an administrative bill which expands access to juvenile records by authorizing access to juvenile court records by agencies with similar functions and meeting other criteria, or any State agency in Delaware, Pennsylvania, or West Virginia meeting the established criteria. She commented that this bill is an expansion of current legislation which authorizes disclosure of juvenile records to agencies in Washington, D.C. and Virginia. Ms. Brown explained HB 786 which establishes the Task Force on Juvenile Court Jurisdiction. She stated that the Task Force will study current laws relating to the jurisdiction of the juvenile court and review current research on best practices for handling offenses committed by youth in the court system. Ms. Brown asked any Council Member interested in being a part of the Task Force to please contact her. She also discussed HB1338 which creates the Prince George's County Juvenile Court and School Safety Workgroup, which is to be staffed by DJS. She stated that the Workgroup is to meet a number of standards and develop a collaborative action plan to reduce the number of school-based arrests and referrals to the juvenile court. Angela Johnese stated that it was important to note that this bill is modeled after Baltimore City's Juvenile Court initiatives. Ms. Brown also reported on HB 1320 which extends the Child in Need of Supervision (CINS) pilot program established in 2005. She commented that this bill allows children to receive services without entering into the juvenile system through a delinquency petition.

Judge Williams thanked Ms. Brown for her report and called on Elizabeth Julian for a report on the Office of the Public Defender.

VI. OFFICE OF THE PUBLIC DEFENDER REPORT – ELIZABETH JULIAN, BALTIMORE CITY DISTRICT PUBLIC DEFENDER

Elizabeth Julian introduced Natalie Finegar as the new Deputy District Public Defender for Baltimore City. Ms. Julian gave a PowerPoint presentation stating that the mission of the Office of the Public Defender (OPD) is to provide superior legal representation to indigent defendants in the State of Maryland. She reported that in fiscal year 2012, the OPD had 136 attorneys on staff and they opened 71,269 cases in Circuit, District and Juvenile Courts. Ms. Julian explained the strategic plan of her office consisting of fifteen goals including client-centered representation, cultivating a culture of excellence, leadership and management, positive work environment and information technology issues. She stated that over fifty strategies have been developed to reach their goals, one of which is the team representation model. Ms. Julian explained that nine teams have been created to coincide with each of BPD's nine police districts. She added that each team consists of District and Circuit Court attorneys, social workers, support staff, investigators, and interns providing a multidisciplinary approach to the cases they handle. Ms. Julian discussed various community outreach initiatives such as continuing their presence in community centers, providing immigration, housing, and family law advice, coat drives, backpack drives, and books for juveniles charged as adults. She stated that in 2012 they partnered with the Justice Policy Institute and were funded by the Abel Foundation to provide their third annual re-entry event, Back to the Neighborhood, for 700 participants. Ms. Julian reported that the OPD also provides expungement services for all former OPD clients. She commented that over 1200 expungements were filed in 2012 and they are still offering these services including drop-in

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

hours every Wednesday from 9:00 a.m. – 4:00 p.m. at their Park Heights office. She extended her appreciation to the State’s Attorney’s Office, the Baltimore Police Department, and the Judges for their professional interactions. Ms. Julian reported that the OPD has one full-time staff attorney dedicated in Baltimore City to handle immigration issues. She stated that the attorney consults on every applicable case and ensures compliance with *Padilla v. Kentucky*. Ms. Julian also discussed the dynamics of the Juvenile Division and the OPD’s continued team representation approach to juvenile offenders. She stated that two new social workers were hired this spring and are continuing to collaborate with DJS, the SAO, the Judge in Charge of the Juvenile Division Judge Robert Kershaw, and BPD to provide alternatives to juvenile detention. She thanked Judge Kershaw and Captain Justin Reynolds of BPD for their dedication to the Juvenile Detention Alternatives Initiative. In closing, Ms. Julian discussed *DeWolfe v. Richmond* and the requirement for OPD representation at bail review hearings of all qualified individuals. She advised that adjustments were necessary in order for the OPD to represent all defendants at bail review hearings. Ms. Julian reported that bail review hearings now begin later on each Monday, the interviewing process was revamped to include the ability for attorneys to conduct Sunday interviews, and accommodations were made to provide attorney interview space. She extended her appreciation to DPSCS, particularly Secretary Gary Maynard and Director Pete France and to Judge John Hargrove and the District Court bench for their cooperation.

City Council President Jack Young asked Ms. Julian why there were no OPD neighborhood teams located in the Eastside or Southeast districts. Ms. Julian stated that teams will be assigned in those geographic areas and they have been working to secure a physical location to house the team.

Ms. Julian also commented on two significant bills presented this legislative session. She reported that SB153 would have required the OPD to re-qualify defendants after bail review hearings and that the bill was defeated. Ms. Julian also addressed the bill which repealed the death penalty and commented that the OPD is ecstatic that the Maryland law was abolished.

Judge Williams thanked Ms. Julian for her report and asked Commissioner Batts to provide the BPD legislative update.

VII. LEGISLATIVE UPDATES

BALTIMORE POLICE DEPARTMENT

Commissioner Batts introduced Jim Green who gave the legislative update for BPD and the Mayor’s Office. Mr. Green reported that there were several pieces of legislation which were backed by the Rawlings-Blake Administration. He commented that Baltimore worked very closely with the Governor’s Office to pass SB 281 the Firearms Safety Act of 2013 and HB 292 to repeal the sunset provision for statewide DNA sample collection which were discussed earlier by Ms. Brown.

Mr. Green discussed Mayor Rawlings-Blake’s 2013 public safety package which focused on three initiatives: juvenile records access for the Baltimore City Health Department’s Office of Youth Violence Reduction and the Mayor’s Office on Criminal Justice; the formation of a

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

task force to study the issuance of juvenile citations and diversion best practices; and strengthening the penalties for illegal dumping in Baltimore which also has statewide impact.

Mr. Green explained that SB 473/HB 588 authorizes the Baltimore City Health Department Office of Youth Violence Prevention and the Mayor's Office on Criminal Justice (MOCJ) to access court, social service, juvenile justice, and police records pertaining to a child who committed a crime under specific instances. He reported that access to records expired under a sunset clause in 2011. Mr. Green stated that the Bill was re-introduced this year and it passed both houses allowing re-authorization for the next six years to access records for the purpose of providing treatment or care to a child who is the subject of the record, or for the purpose of developing appropriate programs and policies aimed at reducing violence against children in Baltimore City. Mr. Green thanked the OPD and the SAO for supporting this legislation as well as the Health Department and the Mayor's Office for their cooperation.

Mr. Green discussed SB 788/HB 966 which proposed to establish a task force to study current practices on the issuance of citations to children, make recommendations regarding a process for issuing citations to children, and to study best practices for law enforcement programs to divert children from the Department of Juvenile Services. He added that this legislation was an extension of the 2012 legislation that mandated citations for adults for certain misdemeanor offenses including marijuana possession. Mr. Green reported that there was wide support for the proposed legislation but it did not pass because the legislature believed this process could be accomplished without being legislatively mandated. Mr. Green commented that MOCJ proposes to convene a workgroup to discuss juvenile citations and better diversion alternatives to get juveniles back to their homes expediently similar to when adult citations are issued.

Mr. Green also discussed HB197/SB 271 which was part of the Administration's continuing efforts to increase the quality of life for City residents by curbing the expensive and recurring problem of debris dumped within city limits. He commented that currently Baltimore spends 17 million dollars each year in trash removal of illegal dumping. Mr. Green added that the penalty for illegal dumping currently is a seven day suspension of an offender's driver's license and that the bill would have raised that suspension to sixty days. He stated that the House Judiciary Committee altered the penalty to an automatic 5 point penalty to those offenders with driver's licenses but that the amended version of the bill failed in the Senate Judicial Proceedings Committee.

Mr. Green briefly commented on several successful public safety measures supported by the Administration and the Baltimore Police Department. He advised that BPD has begun the process of handing over protective order service to the Sheriff's Office as discussed by Ms. Barranco. Mr. Green advised that the Animal Cruelty Bill added the definition of "baiting" and closed the loophole for a person who uses a dog to train a fighting dog or to test the fighting or killing instinct of another dog. Mr. Green discussed the passage of HB 801 which requires a court to report a conviction for driving an unregistered off-highway recreational vehicle (OHRV) on a highway to the Motor Vehicle Administration. He added that the MVA must also assess points and suspend the license of an individual younger than age 18

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

adjudicated as delinquent for driving an unregistered OHRV on a highway. Mr. Green commented that Baltimore is faced with many issues surrounding the illegal riding of “dirt bikes” and citizens and visitors are threatened by the operators of these vehicles who fail to follow the rules of the road on city streets. He stated that this bill was brought to the forefront by Council President Young and that the bill will provide an additional sanction and a meaningful deterrent to violators.

Mr. Green also briefly discussed several unsuccessful bills supported by the Administration and the Baltimore Police Department. He reported that 81 firearms bills were introduced this legislative session including a bill which would have required businesses that sell ammunition for firearms to keep specific detailed records of all ammunition sales. He added that this bill would have also required businesses to verify the identity of the ammunition purchaser. Mr. Green stated that a number of domestic violence bills were unsuccessful including SB 490 which would have extended the eligibility to petition for domestic violence protective orders to persons in specified relationships and expanded the provisions under certain circumstances to vacate the home and SB 417 which would have altered the circumstances under which a permanent final protective order must be issued. Mr. Green stated that a number of correctional bills were also unsuccessful including SB 478 which would have strengthened the penalties for persons who attempt to deliver or deliver a telecommunication device to a detained person. He commented that interdiction efforts for contraband have increased exponentially over the years and there is now a dedicated prosecutor assigned to handle these cases.

Judge Williams thanked Mr. Green for the legislative update and asked if the Council had any questions. Circuit Court Clerk Frank Conaway posed a question regarding the dirt bike legislation and asked how the Administration could justify giving juveniles a record before they have a license. He also asked how law enforcement is able to catch violators if they are not allowed to chase them. Mr. Conaway stated that he believes this is a bad bill and suggested that canceling insurance or providing an alternative place for riding dirt bikes should be done instead. Mr. Green responded that the Baltimore City Code prohibits riding a dirt bike in the city. He stated that the individual would have to be convicted of riding a dirt bike on a public highway and that this bill was designed to act as a deterrent. Commissioner Batts advised that police officers do not chase violators and are focusing more on investigations of the storage of dirt bikes. He stated that in another community where he was previously employed they had similar problems and to deter illegal activity they targeted hotspots with a greater police presence. Commissioner Batts advised that they have identified a problem with dirt bikes in Druid Hill on Sundays and Colonel Melvin Russell is working with riders to find a place where they can ride lawfully.

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Judge Williams called upon Rhea Harris to discuss legislation affecting DPSCS. Ms. Harris reported that HB 1494 repeals the prohibition on the use of State funds to implement specified standards for State correctional facilities. She stated that they currently have over 400 standards they need to meet and they are now able to use State funding to meet those standards. Ms. Harris explained HB 244 which authorizes Secretary Maynard to subpoena,

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

administer an oath to, and examine under oath any person under specified circumstances. She stated that this bill repeals the subpoena power of the Commissioner of Correction and establishes penalties for failure to appear or refusal to testify in response to a subpoena issued by the Secretary. Ms. Harris also discussed SB 745 which establishes a pre-paid wireless fee of 60 cents per retail transaction. She explained that consumers with monthly cell phone accounts are charged an emergency 911 fee while no emergency 911 fees are associated with pre-paid cell phones. Ms. Harris stated that SB 745 will enable them to collect the money for the purpose of contributing to the 911 Trust Fund.

Judge Williams thanked Ms. Harris for her report and asked State's Attorney Gregg Bernstein for the SAO legislative update. Mr. Bernstein advised that a handout describing the bills introduced on behalf of the Maryland State's Attorney's Association was provided in the Members' packets for their review. Ms. Barranco also referred Council members to a handout in the packet discussing the domestic violence bills passed during this legislative session

Judge Williams adjourned the meeting at 1:30 p.m. The next meeting will be held on Wednesday, July 10, 2013 at 12:30 p.m., Courthouse East, Room 510.

MEETING HANDOUTS

- 1) Minutes from the April 10, 2013 meeting
- 2) Central Region Report
- 3) The Police Commissioner's Report
- 4) State of Maryland Public Safety Legislative Summary
- 5) Baltimore Police Department & The Mayor's Office on Criminal Justice 2013 Public Safety Legislative Report
- 6) Office of the State's Attorney for Baltimore City 2013 Legislative Update
- 7) Domestic Violence Bills – 2013 Session

Respectfully submitted,

Kimberly Smalkin Barranco
Executive Director